

19. (New) A process for the preparation of a dispersion of reversed vesicles in a biodegradable oil, wherein the product obtained from the process according to any one of claims 9-15 is dispersed in the biodegradable oil.

#### REMARKS

##### **Rejection of claims 16 and 17 under 35 U.S.C. § 112, second paragraph**

The Office Action rejected claims 16 and 17 as improperly depending on two claim sets. These claims have been amended to obviate this rejection and new claims 18 and 19 added. The applicants respectfully request reconsideration and withdrawal of this rejection in view of the amendments.

##### **Rejection of claims 1, 7-8, and 13-15 under 35 U.S.C. § 102**

Claims 1, 7-8, and 13-15 were rejected as anticipated over JP 05194253, which was alleged to teach a powder of reverse micelles containing Tween. For the following reasons, the applicants respectfully traverse.

Reversed micelles and reversed vesicles are different things. Reverse vesicles were first reported by Kunieda *et al.* (*J. Am. Chem. Soc.* **113**, 1051 (1991)) (copy enclosed). In his publication, Kunieda *et al.* that reversed micelles had been documented by that time but not reversed vesicles. Kunieda *et al.* further displays a schematic drawing of a reversed vesicle, showing its multi-laminar structure.

Attwood *et al.* ("Surfactant Systems: Their chemistry, pharmacy and biology," p. 212 (Chapman and Hall, London, 1983) (copy enclosed) teaches that micelles are rather small compared to vesicles and are much more unstable.

Thus, the JP 05194253 teaching of a powder of reverse micelles is not a teaching of a powder of reverse vesicles and, therefore, cannot anticipate the present claims. Reconsideration and withdrawal of this rejection is respectfully requested.

##### **Rejection of claims 1-3 under 35 U.S.C. § 103(a)**

Claims 1-3 were rejected as obvious over EP 0 521 562 in view of EP 0 678 295, EP 0 159 237, GB 2002319, JP 05194253 each alone or in combination. For the following reasons, the applicants respectfully traverse.

The present claims are directed to a powder of reversed vesicles, which comprises one or more non-ionic surfactants. The Office Action cites EP 0 159 237 and JP 0 5194253 for their teaching of reverse micelles. As discussed with regard to the § 102 rejection, however, micelles and vesicles are different things and, therefore, the teachings of these references are irrelevant to the present claims.

EP 0 678 295 relates to a powder of a phospholipid (not a non-ionic surfactant) and an active ingredient. The powder does not have vesicular structure, which only forms after addition of water.

GB 2 002 319 deals generally with liposomes and does not specifically consider reverse vesicles of non-ionic surfactants.

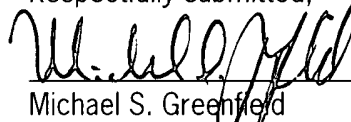
In view of the foregoing, the Applicants respectfully disagree with the Office Action's allegation that one skilled in the art would have been motivated to form the presently claimed powders by removing the solvent from the vesicles of EP 562 with the expectation of obtaining the powders of the present invention.

Moreover, the presently claimed powders possess a surprising property nowhere taught, suggested, or contemplated by any of the art. The presently claimed reversed vesicle powder, when dispersed in an apolar vehicle such as a biodegradable oil, retains its vesicular structure with a yield much greater than when the reversed vesicles are prepared directly in the biodegradable oil. Because the prior art does not suggest this surprising property of the claimed compositions, it cannot render them obvious. *In re Papesch* 137 USPQ 43 (C.C.P.A. 1963); MPEP 2144.09. Accordingly, reconsideration and withdrawal of this § 103 rejection is respectfully requested.

If there are any questions or comments regarding this Response or application, the Examiner is encouraged to contact the undersigned attorney as indicated below.

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Respectfully submitted,

  
Michael S. Greenfield  
Registration No. 37,142

Telephone: 312-913-0001  
Facsimile: 312-913-0002

**McDonnell Boehnen Hulbert & Berghoff**  
300 South Wacker Drive  
Chicago, IL 60606



**APPLICATION SERIAL NO. 09/155,605**

**New Redlined Version of Amended Claims**

16. (Twice Amended) A composition comprising a powder according to any one of claims 1-8 ~~or a powder obtained by the process according to any one of claims 9-15.~~
17. (Twice Amended) A process for the preparation of a dispersion of reversed vesicles in a biodegradable oil, wherein the powder according to any one of claims 1-8 ~~or the product obtained from the process according to any one of claims 9-15~~ is dispersed in the biodegradable oil.
18. (New) A composition comprising a powder obtained by the process according to any one of claims 9-15.
19. (New) A process for the preparation of a dispersion of reversed vesicles in a biodegradable oil, wherein the product obtained from the process according to any one of claims 9-15 is dispersed in the biodegradable oil.



**APPLICATION SERIAL NO. 09/155,605**  
**New and Clean Version of Amended Claims**

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16. (Twice Amended) A composition comprising a powder according to any one of claims 1-8.
17. (Twice Amended) A process for the preparation of a dispersion of reversed vesicles in a biodegradable oil, wherein the powder according to any one of claims 1-8 is dispersed in the biodegradable oil.
18. (New) A composition comprising a powder obtained by the process according to any one of claims 9-15.
19. (New) A process for the preparation of a dispersion of reversed vesicles in a biodegradable oil, wherein the product obtained from the process according to any one of claims 9-15 is dispersed in the biodegradable oil.